

HOUSE JOINT RESOLUTION NO. 26

INTRODUCED BY K. KELKER

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE RESIDENTIAL LANDLORD AND TENANT ACT OF 1977 AND THE DEVELOPMENT OF RECOMMENDATIONS FOR UPDATING MONTANA STATUTES.

WHEREAS, the Legislature adopted the Montana Residential Landlord and Tenant Act in 1977; and WHEREAS, a comprehensive review of the Montana Residential Landlord and Tenant Act and its various provisions has not been conducted since its enactment; and

WHEREAS, a study of the Montana Residential Landlord and Tenant Act would allow future legislatures to comprehensively evaluate and consider potential revisions to Montana's residential landlord and tenant laws.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

(1) conduct a comprehensive review of the Montana Residential Landlord and Tenant Act provided for in Title 70, chapter 24, including a review of:

- (a) general provisions;
- (b) provisions applicable to lease;
- (c) landlord duties and remedies;
- (d) tenant duties and remedies;
- (e) access to dwelling units;
- (f) periodic and holdover tenancy;
- (g) death of tenant;
- (h) retaliation;

- 1 (i) disposition of tenant personal property;
- 2 (j) effect of domestic violence, dating violence, stalking, or sexual assault;
- 3 (k) security deposits, fees, and unearned rent; and
- 4 (l) additional provisions determined appropriate by the committee;
- 5 (2) review the 2015 Revised Uniform Residential Landlord and Tenant Act from the National
- 6 Conference of Commissioners on Uniform State Laws to determine whether the revised act or portions of the
- 7 revised act should be adopted in the state;
- 8 (3) assess and provide clear explanations concerning the differences between civil and criminal
- 9 remedies as related to landlord tenant law; and
- 10 (4) develop a series of policy recommendations based on the review conducted in subsections (1)
- 11 through (3).

12 BE IT FURTHER RESOLVED, that the study include representatives from interested parties, including

13 but not limited to the Montana Landlords Association, Montana Legal Services Association, Montana

14 Association of Realtors, student associations from Montana universities and colleges, local government and law

15 enforcement, the Montana Magistrates Association, or other representatives of courts in the state that regularly

16 interpret and apply provisions of the Montana Residential Landlord and Tenant Act.

17 BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be

18 presented to and reviewed by an appropriate committee designated by the Legislative Council.

19 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review

20 requirements, be concluded prior to September 15, 2022.

21 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,

22 comments, or recommendations of the appropriate committee, be reported to the 68th Legislature.

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